



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-ninth session

SUMMARY RECORD OF THE 1163rd MEETING

Held at the Palais des Nations, Geneva
on Thursday, 8 August 1996, at 3 p.m.

Chairman: Mr. BANTON

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (continued)

Tenth to fourteenth periodic reports of India (continued)

Fifth to seventh periodic reports of the People's Republic of China
(continued)

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Tenth to fourteenth periodic reports of India (CERD/C/299/Add.3) (continued)

1. At the invitation of the Chairman, the delegation of India took places at the Committee table.

2. Mr. BAO (India), replying to the questions posed by the members of the Committee, said that the purpose of the Convention was to eliminate racial discrimination, as opposed to religious prejudice. The Indian people had been victims of racial discrimination both abroad and in India itself, during the long dark period of colonialism, which was why the Constitution of India specifically prohibited discrimination on the basis of "race" (para. 8 of the report (CERD/C/299/Add.3)).

3. The notion of "race" was not entirely foreign to that of "caste"; but according to experts on such questions, racial differences were secondary compared to cultural ones (economic and occupational status, language and dynastic or national loyalties), and the principle of race had never really been determinant for caste. Article 14 of the Constitution guaranteed everyone equality before the law and the equal protection of the law, but on no account did it prohibit introducing a reasonable classification in order to achieve objectives contained in the Constitution itself or in legislation and adopted by India for social purposes. Pursuant to that provision, special protection had been prescribed for "Scheduled Castes and Tribes" (para. 6). It was up to the President of India to decide which castes and tribes must be placed on special lists, and only those which, at a given time, appeared on that list enjoyed such protection.

4. One question had addressed the criteria according to which the Scheduled Castes and Tribes were defined. Past criteria (British act of 1935) were of no current practical significance, the sole applicable principle, in accordance with article 15 of the Constitution, now being the social and economic backwardness of a given group. That might differ from one State to another, from one period to another or from one community or another of the same caste, religion or tribe. The lists must also be amended in the light of the social mobility of those concerned, which clearly showed that they were not governed by the criterion of race. It was with a view to overcoming unjust social treatment that special protection had been established for the poorest and most underprivileged groups. The commitment to abolish the scourge of untouchability, as well as the enormous effort made in recent years to extend the benefits of social welfare to the greatest possible number of underprivileged groups, must be situated in that same context.

5. Minorities also received special protection. Currently, the Commission on Minorities dealt only with religious minorities which had been identified as such: Christians, Buddhists, Parsees, Muslims and Sikhs.

6. Another question had focused on the extent to which the underprivileged classes enjoyed the benefits set forth in the Constitution and various legislative and administrative provisions in India. As already pointed out,

there were many such classes, and India sought to make available to them maximum resources for their economic development and modernization effort. In a country of India's size, the very application of law posed formidable difficulties, but despite mistakes, definite progress had been made.

7. The provision of article 197 of the Code of Civil Procedure, which exempted representatives of the armed forces from all responsibility for acts committed in good faith in the performance of their duties, was not unique to India and could be found in many countries. Needless to say, the acts in question must not have been committed with malicious intent.

8. The Convention was fully applicable in India and could be invoked in the courts. That had never occurred, but the Supreme Court had repeatedly cited human rights conventions as the basis of its decisions in cases in which no specific domestic legislation had been directly applicable. Only in the event of a conflict between the Convention and a mandatory domestic provision might the question of the Convention's application arise. But that was unlikely to happen.

9. Mr. YUTZIS said that, perhaps owing to the methodological approach chosen, India's report did not enable the Committee to obtain an overall view of how the Convention was applied. As he saw it, there seemed to be no doubt that the notion of "caste" gave rise to discrimination. The question was what form such discrimination took. In paragraph 7 of the report, it was stated that the term "descent" in the Convention referred to "race" and therefore was not applicable to Scheduled Castes and Tribes, which were unique to Indian society. But many historical studies had shown that at one time in Indian history, there had been distinct groups which had gradually been integrated into the nation and subsequently had no longer wanted to be regarded as different. Today they constituted minorities, which was also an ambiguous term. The fact that pejorative words were employed when speaking of certain groups, as could be seen from the information available to him, suggested that the distinction was not only of a social, but also of a socio-ethnic nature, based on the special characteristics of those groups. He was therefore not entirely convinced, quite the contrary, that the question of Scheduled Castes and Tribes did not come under the purview of article 1 of the Convention (para. 7 of the report). He would like, through the delegation, to make a proposal to India, namely, that it should invite the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance to visit India and draft a report. The Committee would then have the necessary information for further developing its consideration of the situation in that country.

10. Mr. SHAHI asked the delegation of India how many members of the Indian armed forces had been found guilty of violence and how they had been punished. Also, the delegation of India had stated, at the 1162nd meeting of the Committee, that the elections to the lower chamber (Lok Sabha) in Kashmir had been free and had been held in the presence of international observers. He could provide the delegation and the Committee with articles published in the most reputable newspapers in the United Kingdom and the United States indicating that the elections had been nothing more than a parody of the democratic process and that voters had been taken to the polling stations at

gunpoint. There must be no repetition of such elections; otherwise, there would no longer be any hope of a dialogue between India and Pakistan on Kashmir.

11. Mr. RECHETOV (Country Rapporteur) said that the exchange of views between the Committee and the delegation of India, although enriching, was often too abstract, perhaps because the report had not provided a sufficient basis for discussion. The Committee had not received all the information that it had requested during consideration of the previous report. The delegation of India had stated that race had never been invoked before the Indian courts as a ground for a discrimination complaint (para. 10 of the report); what other grounds had been cited? It was to be hoped that the Committee's questions and recommendations would be analysed in depth so that the next report of India would contain the information needed for a more concrete and comprehensive assessment. The Committee had the right to be informed as to how the Convention was applied in India, as in every State party.

12. The CHAIRMAN said that the Committee had thus completed consideration of the report of India.

13. The delegation of India withdrew.

Fifth to seventh periodic reports of China (CERD/C/275/Add.2; HRI/CORE/Add.21)

14. At the invitation of the Chairman, the delegation of China took places at the Committee table.

15. Mr. WU Jianmin (China) said that his country had sought to present the report in accordance with the Committee's general guidelines on the form and content of reports. Account had also been taken of the comments made by the Committee during consideration of the previous report, notably on the need to present more facts and statistics. Various bodies and experts on ethnic questions had been consulted and missions sent to regions in which minorities lived to verify how the Convention was being implemented there. All that showed how seriously the Government of China took its international obligations under the Convention.

16. China had 56 nationalities which lived in harmony and whose equality and unity were guaranteed by the Constitution. He drew attention to the administrative distribution of the national minorities (para. 5 of the seventh periodic report of the People's Republic of China (CERD/C/275/Add.2)) and the measures taken by the State on their behalf (paras. 17, 22 and 28). To promote their socio-economic development, his Government had also authorized the five autonomous regions to set up a local legal framework tailored to their situation. The interests of minorities had also been taken into consideration in a number of laws recently adopted in the areas of natural resources, the protection of women, adoption and trade.

17. Concerning the implementation of the provisions applicable to national minorities, it must be borne in mind that prior to 1949, national minorities in China had been very isolated and underdeveloped. Since the founding of the People's Republic of China, and in particular since the adoption of the reform policy in the late 1970s, regions in which minorities lived had achieved considerable progress, but admittedly they were less well-adapted to the

market economy than the coastal regions. Thus, national minorities today were essentially concerned about overcoming poverty. The eighth five-year plan, begun in 1991, had favoured the development of regions in which national minorities lived and the western part of China in general. Central government subsidies to the five autonomous regions and three provinces (Yunnan, Guizhou and Qinghai), as well as for the Development Assistance Fund for Underdeveloped Areas (para. 19) had been increased considerably, and tax relief and low-interest loans had also been granted. Medium- and large-scale investment projects had been promoted, in particular for infrastructure. Regions in which minorities lived also received special material and financial assistance at local level, and financial, economic and technological cooperation with the developed regions was encouraged.

19. During the period covered by the eighth five-year plan (1991-1995), economic growth had been very strong throughout China, particularly in areas with minority populations. According to the main economic indicators (GNP, industrial output, salaries, income of farmers and overall economic growth rate), the rate of increase in those regions had been greater than the national average. In certain regions (Guangxi, Zhuang, Xinjiang Uighur and Tibet), the figures had been downright spectacular. Remarkable results had been achieved in agricultural production in regions in which minorities lived, especially in Mongolia and Tibet. Industrial production in those regions had also registered strong growth during that period.

20. For the Government of China, the education of minorities was a matter of high priority, and legislation, administrative regulations and investment in that area had resulted in enormous progress. In 1993, Tibet had already had 133,000 primary schools, 11,000 secondary schools and 105 institutions of higher education. There had been 16,340,000 minority students, or 16.3 times as many as in 1951. The minorities had their own media, and the 21 minority languages had been standardized to improve education.

21. The educational situation in the Tibet Autonomous Region needed to be explained in detail. In the past, only the aristocracy had had access to education, and the illiteracy rate had stood as high as 95 per cent. Thanks to the measures taken in the past 40 years by the Government of China, spectacular progress had been made, and in 1993, school enrolment at all levels in Tibet had been only slightly lower than in the rest of the country. Nevertheless, as far as primary education was concerned, the region had remained relatively underdeveloped because of its natural characteristics and isolation. Since 1993, special efforts had therefore been made to enable Tibetan children to obtain primary school education in Tibet more easily and to facilitate their enrolment in schools in other provinces and municipalities. As to the use of the Tibetan language, in 1988 a Steering Committee on Language Work had been created. All official documents were now published in Tibetan and Chinese. Tibetan was the first language used in education, and Mandarin Chinese the second. The minority language could be used in entrance examinations for higher education. Most textbooks had been translated into Tibetan.

22. The situation of education in the other autonomous regions was set out in paragraphs 78 to 88 of the report.

22. As to population policy, the State had applied to the ethnic minorities a different policy from that followed for the Han. According to the 1990 national census, the Tibet Autonomous Region had had 2,196,000 inhabitants, of whom 2,096,000 were of Tibetan and 80,800 of Han nationality, or 95.45 per cent and 3.7 per cent of the total, respectively. According to a census conducted in 1995, the population had grown to 2,398,000, 96.38 per cent of whom were Tibetan and 3.3 per cent Han. The population growth rate in the region was 16.1 per thousand, or 5.5 per thousand higher than the national average. Between 1991 and 1995, the total population of the Xinjiang Uighur Autonomous Region had grown from 15,156,800 to 16,613,500, with the Han increasing from 5,695,400 to 6,301,900 and the national minorities from 9,461,400 to 10,311,600.

23. The traditional cultures and customs of all nationalities were respected and freedom of religion and belief protected by law. Many religious edifices and monasteries had been maintained or repaired thanks to state assistance, in particular in Tibet and in the province of Qinghai. The recent incidents instigated by a handful of individuals in collusion with hostile outside elements, under the guise of ethnic and religious issues, had been strongly condemned by virtually all members of national minorities.

24. Despite those good results, the country was still developing, and pockets of poverty persisted. Minorities in particular, and virtually the entire poor population, often lived in areas in which harsh natural conditions were hardly conducive to building the infrastructure needed for a satisfactory transport system; education, and primary education in particular, left much to be desired, and on the whole, the mid-west regions were still not as developed as those along the eastern coast. With the ninth five-year plan, adopted in March 1996, it was expected that the gaps would gradually be bridged, especially as the measures to fight poverty would focus primarily on poor areas where national minorities lived.

25. In conclusion, he stressed that the history and culture of China had been the work of all nationalities living in harmony, protected by a Constitution which had done away with discriminatory and humiliating practices directed against minorities. At international level as well, China participated in all aspects of the United Nations fight against racial discrimination. Aware that efforts still had to be made, it hoped to benefit from its exchanges and cooperation with the Committee so as to continue to move ahead. The last three reports of China had been submitted at the end of the eighth five-year plan in order to give a more comprehensive picture of the progress made during that period and of the leeway to be made up, and also to help the United Nations to curb spending in its current difficult financial situation.

26. Mr. WOLFRUM (Country Rapporteur) welcomed the fact that the representative of China had adopted a tone of dialogue and thanked him for his oral presentation. However, given the abundance of information, and in particular of statistics, he wondered whether that presentation might be distributed to members in written form.

27. Having found the demographic data in the report a bit scanty, he had looked into the figures himself and had arrived at virtually the same results as those given orally. However, comparing the figures of the 1990 and 1992

censuses, he had found that population growth had varied considerably among minorities and that even taking into account the fact that the policy of limiting the number of children was not applied strictly to minorities, certain figures had been very high, for example the 128 per cent increase in the Manchu population.

28. China's definition of minority and that of the Committee were very close, i.e. a group of persons of the same origin living in the same area, speaking the same language and conscious of their group identity. After noting that the 8 per cent of the population which constituted the minorities lived on 60 per cent of the national territory, primarily in the north-east, the south-west and along the borders, he said that in his statement he would follow the order of the oral presentation.

29. Concerning government policy, he would focus chiefly on the period following the year 1980 and the adoption of the 1982 Constitution, which gave considerable attention to national minorities, as could be seen in paragraph 17 of the report.

30. Paragraphs 10 to 17 of the report discussed at length the laws and regulations, the point being to show that minorities received "attention and care", as stated in paragraph 18. Notwithstanding the large number of such texts, they did not go very far, and despite additional information provided in yet further texts, it was difficult to gain an idea of the actual situation, especially as a law as written and its actual implementation were two different things.

31. Since October 1995, the autonomous regions had promulgated a whole series of laws relating to some 15 aspects of the life of the individual and society, from marriage to the management of land, education, the protection of minors and financial assistance to farmers. All that was encouraging, but what impact did those provisions have on the daily life of the populations?

32. The 1982 Constitution was of great importance, because it enshrined equality among citizens, provided for mutual assistance between Chinese nationalities and prohibited discrimination on the basis of nationality. Article VI of the Constitution was devoted entirely to national autonomous regions. In order better to assess the impact of the Constitution, it was indispensable for the Committee to know what its status was in the Chinese legal system, whether it was a binding norm or a programme and whether it could be invoked directly.

33. Following along the lines of the Constitution, the regional autonomy for nationalities law was a promising step forward. It remained to be seen how autonomous those autonomous regions, prefectures and counties were, given that they had to have the authorization of the Standing Committee of the People's Congress in order to implement their administrative regulations, and were often very dependent financially on the central power. As he saw it, such autonomy was very limited. There was also the question of the links between the administration, whose structure had been described in detail, and the Party, a parallel structure on which the report had little to say. Given the role of the Party throughout the People's Republic of China and its importance

in training cadres, it would be useful for the Committee to find out more about its organization and its relations with the administrative structures of the country.

34. As described in the written report and the oral presentation, the regional autonomy for nationalities law was an excellent initiative. However, it would need to be explained what its concrete results had been. He asked the representative of China whether, in conformity with article 36 of that law, the educational syllabus, for example in Tibet, differed from that of other regions. It was not enough to maintain that an effort was being made to tailor education to the needs of minorities, it also had to be demonstrated, notably by indicating whether minorities learned their own history in addition to that of the Han. In its report to the Committee on the Rights of the Child, China had admitted that school attendance, the quality of education and bilingual education were far from satisfactory. Perhaps Mr. Wu Jianmin could indicate what was being done to remedy that state of affairs. He would also like to have confirmation of the assertion made in his oral presentation that it was possible to take an entrance examination for higher education in one's mother tongue.

35. Those remarks on education led him to ask how it was possible that after more than 10 years, texts for implementing the 1984 autonomy law had not all been passed, that autonomy had thus not been acquired and that the situation of dispersed ethnic minorities was still unclear. He would like to know the reason for that delay and what legislation was being applied in the interim to the populations concerned.

36. It was regrettable that the implementation of article 4 of the Convention was not described exhaustively in the report or the oral presentation; that situation must be remedied. The economic situation of minorities, for its part, gave cause for concern in many respects, as the Government of China itself admitted. China might not only provide in its next report figures on investment to assist those groups but also indicate exactly for what such sums were earmarked. It was important to know whether they went for education and public health, armaments or projects that might be detrimental to the identity of national minorities. Lastly, the great disparities between the sums invested in the various areas called for an explanation.

37. Turning to the question of limitations on the number of children, he asked for further information on how the regulations, which were rather flexible in rural areas, were applied in Tibet. If, as was believed, violators were fined, then the poorest were at a disadvantage. Clarification was therefore needed on that point. An explanation would also be useful on the significance of the 1995 Mother and Child Health Care Act, even though it did not exactly concern limitations on the number of children per se, as well as on how it was applied.

38. The question of internal migration also required a number of clarifications, if only because the figures in the report did not coincide with those that he had obtained elsewhere. His figures suggested that in Inner Mongolia, for example, the growth of the Han population, greatly exceeding that of the Mongolian, had most likely been due to heavy Han

migration into that region. Clarification on that point would be welcome, as well as detailed information on any Han migration to Tibet, and in particular to Lhasa.

39. The report contained relatively little on how article 5 of the Convention was being implemented and referred to the previous report, which was already old, and he therefore requested more recent and complete information. He was pleased to note that the Constitution provided not only for all the rights set forth in article 5, but also for the right to criticize any State body or official. It would be interesting to learn how that right was exercised.

40. The reference by the representative of China to unrest instigated by separatists or terrorists prompted him to seek further details on the prison population in the autonomous regions so that the Committee could have an idea of whether the minorities, and notably the Tibetan minority, were more strongly represented in prisons than in the population in general.

41. Concerning Xinjiang, it should be pointed out that at the end of the 1940s, the Uighurs and the Kazakhs had been in the majority. The Han Chinese, who at the time had accounted for only 8 per cent of the population, had since risen to 38 per cent of the total; it would be interesting to know the reasons for that mass influx. In the 1980s and 1990s, Xinjiang had been the scene of numerous incidents on which the delegation of China might provide some information. Mention should be made in particular of the uprising in 1990 in Baren, at the extreme west of Xinjiang. According to television reports, the organization responsible for the rebellion, during which 50 persons were said to have been killed by the security forces, had been the Islamic party of Eastern Turkistan, which had wanted to set up an Islamic Republic. Later, there had been further unrest which had led to a mass purge among officials in Baren, and 15 mosques had been closed down. To protest against those measures, Islamic groups had organized further demonstrations. As the State party had not mentioned those incidents in its written report or its oral presentation, it would be useful to learn its point of view.

42. Most minority groups belonged to the Muslim population, which had totalled 9.2 million persons in 1990, the largest minority being the Uighurs. Following the above-mentioned incidents, the Government had taken Draconian measures to restrict religious activities. Those measures had apparently been relaxed since then. What was the current situation in the region?

43. From the point of view of the economy, the region seemed to have progressed at the same pace as the rest of China. However, the traditional style of life of the Uighurs, who on the whole had been shepherds, appeared to have changed. Perhaps the delegation of China could tell the Committee something about their situation. Was it similar to that of Han Chinese living in the region?

44. With regard to the Tibet Autonomous Region, which only comprised part of historic Tibet, the information provided by the delegation of China implied that the situation in the area of education had improved. Yet the data made available by the Tibetan Commission of Education to a Swedish delegation that had visited the region in 1993 suggested otherwise. Education for Tibetans was said to be inferior to that for Han Chinese. Although 94 per cent of the

children attending primary schools in the region were Tibetan, they made up only 57 per cent of the university population. That might be explained in part by the fact that the Government of China had only recently begun to give serious attention to training bilingual teachers. Also, pupils who learned Mandarin Chinese in addition to Tibetan were exempt from taking English classes, and there was reason to fear that the effect of that measure would be to place them at a disadvantage later when they entered the labour market.

45. According to the statistics provided by the State party, in 1990 the illiteracy rate in the autonomous region had stood at 44 per cent. That was a high figure. What was the illiteracy rate among Han Chinese living in the region?

46. The situation of human rights was another subject of concern. There had been unrest in several parts of the region, and in particular in China. According to certain sources, the number of arrests was disproportionately high. He asked the delegation of China to comment.

47. The economic situation in Tibet was not as good as in the region of Xinjiang. According to a statement by the Ambassador of China the previous year before the Sub-Commission on Prevention of Discrimination and Protection of Minorities, China had invested 18,000 million yuan in Tibet. It would be interesting to know to which sectors these funds had been allocated. For example, how many Tibetans currently owned their homes and did those who wished to build receive the subsidies they needed?

48. In the area of employment, Han Chinese seemed to be favoured over Tibetans. Was it true that they had three months' home leave every 12 months and that the Tibetans had only 10 days and their travel expenses were not reimbursed?

49. Regarding the situation in Inner Mongolia, it should first be pointed out that the Han Chinese living in the region constituted a large percentage of the population. The province had very natural resources and was developing rapidly. What was the impact of economic development on the way of life of the nomadic populations in the region?

50. Information on the education system was rather alarming. Whereas in the other autonomous regions, education was geared to the needs of the minorities, that was not the case in Inner Mongolia at all. Calling for an end to the process of assimilation of the region's non-Han population, local students had demonstrated in 1995 before the Chinese Embassy in Ulan Bator. Any information that the delegation of the State party could provide on those incidents and their causes would be welcome.

51. Finally, he had a number of comments to make about paragraphs 7, 8 and 12 of the periodic report. Apart from translation problems, certain expressions used in those paragraphs suggested that China did not grasp the full extent of its obligations under the Convention. Concerning the words "its own meaning" in the penultimate line of paragraph 8 of the report's English version, he pointed out that the Convention had only one meaning, which must be the same for the Committee and States parties alike.

52. Mr. GARVALOV noted that the information provided orally by the delegation of China was very useful in that it enhanced and updated information in the State party's periodic report. But a number of points needed to be clarified. In particular, he would like to know what the Convention's status was in domestic legislation and whether it could be directly invoked before the courts. What amendments had China made to its legislation and administrative procedures to give effect to the provisions of the Convention?

53. The last sentence of paragraph 10 of the report was somewhat ambiguous, notably where it was stated that "All residents of Macao are equal". It was to be hoped that that assertion also applied to the other inhabitants of the People's Republic of China. Paragraphs 17 to 21 of the report discussed the Notification issued by the State Council. Was the latter a legislative or an executive body?

54. The information on how article 4 was being implemented should have been more detailed, that being an article to which the Committee attached great importance.

55. Concerning paragraph 49 of the report, he inquired whether the ban on any organization propagating racial discrimination was imposed by a judicial or an administrative authority.

56. Paragraph 69 of the report indicated that the State Council had published a decision on the question of the Panchen Lama's reincarnation. Given that States generally preferred not to deal with such questions, why was the Government so involved in religious matters?

57. Paragraph 71 of the report stated that the Government of China took upon itself to give protection, both in legislative and in financial terms, to minorities. Welcoming that attitude, he asked how that principle was given practical effect at legislative level.

58. He was impressed by the measures taken in favour of minorities in the areas of education (paras. 78 to 88) and culture (paras. 89 to 119). But were not the efforts to protect and promote minority cultures to the detriment of other sectors of Chinese society? Likewise, if children from minority groups attended special classes, would that not leave them at a disadvantage if they applied later for public employment, which required a good command of Mandarin Chinese?

59. Generally speaking, the report contained very interesting information on the many measures taken to improve the living conditions of Tibetans. There was reason to consider whether the information on human rights violations in Tibet provided by certain United Nations bodies, such as the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Human Rights Committee, would not need to be qualified.

60. Ms. SADIO ALI said that China had made use of every imaginable stratagem to wipe out Tibet's culture and identity. Chinese forces had reportedly killed 1.2 million Tibetans, and of the 6,254 monasteries previously in the region, no more than 13 remained. By organizing forced inter-ethnic marriages

and encouraging heavy Han immigration, the Chinese authorities sought to make the Tibetans a minority in their own country. Those efforts were all aimed at destroying a highly developed culture.

80. The Dalai Lama had agreed to autonomy and had shown a willingness to discuss the question. But China had disregarded the sentiments of the Tibetans and their spiritual traditions, as shown by the efforts to impose a Chinese Lama. She would be grateful to the representative of the State party if he could inform the Committee whether there had been any change in this policy towards Tibet.

81. The situation in the province of Xinjiang was no better. There had been frequent demonstrations there, the question of ethnic autonomy having not been carried. The right to freedom of thought, conscience and religion as enshrined in article 18 of the Convention was not respected. The provisional rule of 14 September 1990 on the administration of religious activities in the Xinjiang Uighur Autonomous Region placed severe restraints on religious life in general and religious teaching in particular.

82. The rapid influx of Han population into Xinjiang had already changed demographically the structure of the region. According to a report published on 3 December 1991 by the Cultural and Social Association of Eastern Turkey, Europe, Mongolia, Taiwan, the Uighurs, who had made up 45 per cent of the total population in 1949, had accounted for no more than 10 per cent in 1990. The newspaper China Daily had reported in its edition of 3 December 1991 that the Chinese Government had decided to transfer more than 2 million Chinese to the Xinjiang Uighur Autonomous Region. In such circumstances, the Uighur populations might well become a small minority in their own country, and their cultural identity in the danger of being lost.

83. The Cultural and Social Association of Eastern Turkey had also reported in 1991 that despite the official promises of Xinjiang, about 50 per cent of the non-Chinese population did not have a minimum living standard. In that connection, how was the wealth of the autonomous region distributed?

84. Unrest among Muslims was increasing. In mid-March 1995, members of the Uighur minority had met in a mosque to express opposition to birth control policies, nuclear tests in Xinjiang and the transfer of the Autonomous Region's resources to China. On 11 March 1995, the Xinjiang Daily News had reported on a "six-point plan of action" reaffirming the primacy of the Party over religion and announcing that the number of mosques and Muslim schools would be strictly limited. Since the beginning of the nuclear tests in Lop Nav in 1964, the number of persons with cancer had grown noticeably. The fruit trees in the region had died and members of the engineering corps who had taken part in the tests had contracted leukaemia. In recent years China had also set up depots in the Gobi Desert to stockpile nuclear waste from Germany. Such waste was injurious to the local population, and the Chinese Government should stop storing it in the region.

85. According to a report by Asia Watch dated 15 March 1995, demonstrations for independence had taken place in six cities in Inner Mongolia between

November 1991 and January 1992. That same source had mentioned 15 political prisoners, including intellectuals and civil servants, and some 30 work camps in the region.

67. China had violated the principle contained in article 5 (d) (viii), of the Convention by detaining persons arbitrarily and denying them the right peacefully to enjoy freedom of expression and opinion. Nor did China comply with article 5 (b) of the Convention, because one of the persons arrested had been ill-treated during detention, and that had led to a serious deterioration in his health.

68. According to Andrew Higgins, Beijing correspondent of the London newspaper The Independent, Party internal document No. 13 of 11 May 1993, intended for senior Party officials in Inner Mongolia, had called for the crushing of the two main nationalist groups in Mongolia, the Institution for Ethnic Culture and the Institute for Ethnic Modernization. The leaders of those two groups had subsequently been arrested. Those incidents all constituted violations of the right to self-determination which, in addition to their international aspect, also had a domestic dimension.

The meeting rose at 6.05 p.m.